SENATE BILL 22

Introduced by Blaylock

- 12/23 Introduced
- 12/23 Referred to Education & Cultural Resources
- 1/04 First Reading
- 1/06 Hearing
- 1/15 Committee Report--Bill Passed as Amended
- 1/16 2nd Reading Passed
- 1/18 3rd Reading Passed

Transmitted to House

- 1/19 First Reading
- 1/19 Referred to Education & Cultural Resources
- 1/27 Hearing
- 1/27 Tabled in Committee

SB 0022/01

the trustees of a district receive a termination, the trustees shall, in all

	1	SENATE BILL NO. 22	1	(2) Whenever
		INTRODUCED BY BLAYLOCK	2	recommendation for
	. 2		3	<u>cases,</u> before Ma
	4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING TEACHER	4	notify the teacher
	5	TERMINATION; REQUIRING THAT TRUSTEES REHIRE A TEACHER	5	of the teacher's r
	6	TERMINATED FOR FINANCIAL REASONS IF THE FINANCIAL CONDITION	6	The notification a
	7	IS RESOLVED BEFORE THE BEGINNING OF THE NEXT SCHOOL YEAR;	7	personal notific
	8	AMENDING SECTIONS 20-4-204 AND 20-4-206, MCA; AND PROVIDING	8	returned. The noti
	9	AN IMMEDIATE EFFECTIVE DATE."	9	(a) the state
	10		10	the recommendation
	11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	11	(b) a printe
	12	Section 1. Section 20-4-204, MCA, is amended to read:	12	information.
	13	"20-4-204. Termination of tenure teacher services.	13	(3) The teach
	14	 (1) (a) The following persons may make a recommendation in writing to the trustees of the district for termination of 	14	hearing. Unless
	15		15	the trustees shall
	16	the services of a tenure teacher:	16	to the conveniend
	10	(i) a district superintendent;	17	more than 20 days
	18	(ii) in a district without a district superintendent, a	18	of recommendation
	10	principal;	19	(4) The trust
	20	(iii) in a district without a district superintendent or	20	(a) conduct
	20	a principal, the county superintendent or a trustee of the	21	regularly schedule
	21	a principal, the county superintendent of a trustee of the district.	22	trustees and in ac
	23	(b) The recommendation must state clearly and	23	(b) resolve
	23	(b) The recommendation must state clearly and explicitly the specific reason or reasons leading to the	24	terminate the tead
	29	recommendation for termination.	25	termination.



y 1 of the current school fiscal year, of the recommendation for termination and ight to a hearing on the recommendation. must be delivered by certified letter or by cation for which a signed receipt is fication must include: ement of the reason or reasons that led to n for termination: and ed copy of this section for the teacher's ner may, in writing, waive the right to a the teacher waives the right to a hearing, set a hearing date, giving consideration ce of the teacher, not less than 10 days or from the teacher's receipt of the notice for termination.

ees shall:

the hearing on the recommendation at a ed or special meeting of the board of ccordance with 2-3-203; and

at the conclusion of the hearing to cher or to reject the recommendation for

-2- SB 22 INTRODUCED BILL

1 (5) The tenure teacher may appeal a decision to 2 terminate to the county superintendent who may appoint a 3 qualified attorney at-law as legal adviser who shall assist 4 the superintendent in preparing findings of fact and 5 conclusions of law.

6 (6) Subsequently, either the teacher or the trustees 7 may appeal to the superintendent of public instruction under 8 the provision for the appeal of controversies in this title. 9 (7) If the trustees terminate a teacher for financial 10 reasons and the financial condition causing the termination 11 is resolved before the beginning of the next school year, 12 the terminated teacher must be rehired."

13 Section 2. Section 20-4-206, MCA, is amended to read: 14 "20-4-206. Notification of nontenure teacher reelection 15 -- acceptance -- termination and statement of reason. (1) 16 The trustees shall provide written notice by May 1 to all 17 nontenure teachers who have been reelected. A nontenure teacher who does not receive written notice of reelection or 18 termination is automatically reelected for the ensuing 19 20 school fiscal year.

(2) A nontenure teacher who receives notification of
his reelection for the ensuing school fiscal year shall
provide the trustees with his written acceptance of the
conditions of reelection within 20 days after the receipt of
the notice of reelection. Failure to so notify the trustees

within 20 days may be considered nonacceptance of the
 tendered position.

3 (3) When the trustees notify a nontenure teacher of 4 termination, the teacher may within 10 days after receipt of 5 the notice make written request of the trustees for a 6 statement in writing of the reasons for termination of 7 employment. Within 10 days after receipt of the request, the 8 trustees shall furnish to the teacher a true statement of 9 reasons for termination.

10 (4) If a nontenure teacher believes the reasons 11 provided by the trustees are not true, the teacher may 12 request in writing within 10 days of receipt of the 13 statement of reasons that the county superintendent hold a 14 hearing in accordance with 20-3-210 to determine whether the 15 reasons are true. A hearing must be scheduled within 10 days 16 and held within 45 days after receipt of the request, except 17 that the period may be extended upon agreement between the 18 trustees and the teacher. The burden of proof that the 19 reasons are not true rests with the teacher, and the showing 20 must be demonstrated by clear and convincing evidence.

(5) If, after a hearing, the county superintendent
determines that the reasons are not true, the county
superintendent shall order the trustees to offer the teacher
a contract for the ensuing school fiscal year.

25 (6) If the trustees terminate a teacher for financial

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1 reasons and the financial condition causing the termination 2 is resolved before the beginning of the next school year, 3 the terminated teacher must be rehired. (6)(7) The provisions of this-section subsection (1) do 4 5 not apply to cases in which a nontenure teacher is terminated when the financial condition of the school 6 7 district requires a reduction in the number of teachers 8 employed and the reason for the termination is to reduce the number of teachers employed." 9

10 <u>NEW SECTION.</u> Section 3. Effective date. [This act] is

11 effective on passage and approval.

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-End-

53rd Legislature

SB 0022/02

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

SENATE BILL NO. 22 1 2 INTRODUCED BY BLAYLOCK 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING TEACHER 5 TERMINATION; REQUIRING--THAT--TRUSTEES--REHIRE--A--TEACHER 6 TERMINATED-POR-PINANCIAL-REASONS-IP-THE-FINANCIAL-CONDITION 7 IS--RESOLVED--BEFORE--THE-BEGINNING-OF-THE-NEXT-SCHOOL-YEAR? AMENDING SECTIONS SECTION 20-4-204 ANB--20-4-206, MCA: AND 8 9 PROVIDING AN IMMEDIATE EFFECTIVE DATE." 10 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 Section 1. Section 20-4-204, MCA, is amended to read: 13 "20-4-204. Termination of tenure teacher services. (1) (a) The following persons may make a recommendation in 14 15 writing to the trustees of the district for termination of the services of a tenure teacher: 16 17 (i) a district superintendent; (ii) in a district without a district superintendent, a 18

18 (11) in a district without a district superintendent, a
19 principal;

20 (iii) in a district without a district superintendent or
21 a principal, the county superintendent or a trustee of the
22 district.

(b) The recommendation must state clearly and
explicitly the specific reason or reasons leading to the
recommendation for termination.

1 (2) Whenever the trustees of a district receive a 2 recommendation for termination, the trustees shall, in all 3 cases, before May 1 of the current school fiscal year, notify the teacher of the recommendation for termination and 4 of the teacher's right to a hearing on the recommendation. 5 The notification must be delivered by certified letter or by 6 7 personal notification for which a signed receipt is 8 returned. The notification must include: 9 (a) the statement of the reason or reasons that led to 10 the recommendation for termination; and

11 (b) a printed copy of this section for the teacher's 12 information.

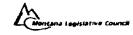
13 (3) The teacher may, in writing, waive the right to a 14 hearing. Unless the teacher waives the right to a hearing, 15 the trustees shall set a hearing date, giving consideration 16 to the convenience of the teacher, not less than 10 days or 17 more than 20 days from the teacher's receipt of the notice 18 of recommendation for termination.

19 (4) The trustees shall:

(a) conduct the hearing on the recommendation at a
 regularly scheduled or special meeting of the board of
 trustees and in accordance with 2-3-203; and

(b) resolve at the conclusion of the hearing to
terminate the teacher or to reject the recommendation for
termination.

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SECOND READING

1 (5) The tenure teacher may appeal a decision to 2 terminate to the county superintendent who may appoint a 3 qualified attorney at-law as legal adviser who shall assist 4 the superintendent in preparing findings of fact and 5 conclusions of law.

6 (6) Subsequently, either the teacher or the trustees 7 may appeal to the superintendent of public instruction under 8 the provision for the appeal of controversies in this title. 9 t7)--if-the-trustees-terminate-a-teacher--for--financial 10 reasons--and-the-financial-condition-causing-the-termination 11 is-resolved-before-the-beginning-of-the--next--school--year? 12 the-terminated-teacher-must-be-rehired." Section-2 -- Section-20-4-2067-MEA7-is-amended-to-read:--13 14 "20-4-2067--Notification-of-nontenure-teacher-reelection 15 ----acceptance-----termination-and-statement-of-reason,-(1) 16 The-trustees-shall-provide-written-notice-by-May--l--to--all

17 nontenure--teachers--who--have--been--reelected.-A-nontenure 18 teacher-who-does-not-receive-written-notice-of-reelection-or 19 termination--is--automatically--reelected--for--the--ensuing 20 school-fiscal-year.

21 (2)--A-nontenure-teacher-who--receives--notification--of his--reelection--for--the--ensuing--school-fiscal-year-shall provide-the-trustees-with--his--written--acceptance--of--the conditions-of-reelection-within-20-days-after-the-receipt-of the--notice-of-reelection--Pailure-to-so-notify-the-trustees

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1 within-20--days--may--be--considered--nonacceptance--of--the
2 tendered-position-

3 (3)--When--the--trustees--notify--a-nontenure-teacher-of 4 termination;-the-teacher-may-within-10-days-after-receipt-of 5 the-notice-make--written--request--of--the--trustees--for--a 6 statement--in--writing--of--the--reasons--for-termination-of 7 employment:-Within-10-days-after-receipt-of-the-request;-the 8 trustees-shall-furnish-to-the-teacher-a--true--statement--of 9 reasons-for-termination;

10 +4)--If---a---nontenure--teacher--believes--the--reasons 11 provided-by-the-trustees-are--not--true;--the--teacher--may 12 request--in--writing--within--10--days--of--receipt--of--the 13 statement--of--reasons-that-the-county-superintendent-hold-a 14 hearing-in-accordance-with-20-3-210-to-determine-whether-the 15 reasons-are-true-A-hearing-must-be-scheduled-within-10-days 16 and-held-within-45-days-after-receipt-of-the-requesty-except 17 that-the-period-may-be-extended-upon-sgreement--between--the 18 trustees--and--the--teacher---The--burden--of-proof-that-the 19 reasons-are-not-true-rests-with-the-teachery-and-the-showing 20 must-be-demonstrated-by-clear-and-convincing-evidence. 21 (5)--If7-after--a--hearing7--the--county--superintendent 22 determines--that--the--reasons--are--not--true7--the--county 23 superintendent-shall-order-the-trustees-to-offer-the-teacher 24 a-contract-for-the-ensuing-school-fiscal-year:

25 <u>(6)--If--the--trustees-terminate-a-teacher-for-financial</u>

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SB 22

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1	reasons-and-the-financial-condition-causing-thetermination				
2	isresolvedbeforethe-beginning-of-the-next-school-year7				
З	the-terminated-teacher-must-be-rehired.				
4	<pre>(6)<u>(7)</u>The-provisions-of-this-section subsection-(1) do</pre>				
5	notapplytocasesinwhichanontenureteacheris				
6	terminatedwhenthefinancialconditionoftheschool				
7	districtrequiresareductioninthe-number-of-teachers				
8	employed-and-the-reason-for-the-termination-is-to-reduce-the				
9	number-of-teachers-employed."				
10	NEW SECTION. Section 2. Effective date. [This act] is				

11 effective on passage and approval.

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-End-

1 1 SENATE BILL NO. 22 (2) Whenever the trustees of a district receive a 2 recommendation for termination, the trustees shall, in all 2 INTRODUCED BY BLAYLOCK 3 cases, before May 1 of the current school fiscal year. 3 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING TEACHER 4 4 5 TERMINATION; REQUIRING--THAT--TRUSTEES--REHIRE--A--TEACHER 5 6 TERMINATED-FOR-FINANCIAL-REASONS-IP-THE-FINANCIAL--CONDITION 6 IS--REGOUVED--BEFORE--THE-BEGINNING-OF-THE-NEXT-SCHOOL-YEAR; 7 7 R AMENDING SECTIONS SECTION 20-4-204 AND--20-4-206, MCA: AND 8 9 PROVIDING AN IMMEDIATE EFFECTIVE DATE." 9 10 10 11 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 information. 12 Section 1. Section 20-4-204, NCA, is amended to read: 13 13 "20~4-204. Termination of tenure teacher services. 14 14 (1) (a) The following persons may make a recommendation in 15 15 writing to the trustees of the district for termination of 16 the services of a tenure teacher: 16 17 17 (i) a district superintendent; 18 18 (ii) in a district without a district superintendent, a 19 19 principal; 20 20 (iii) in a district without a district superintendent or 21 21 a principal, the county superintendent or a trustee of the 22 22 district. 23 23 (b) The recommendation must state clearly and 24 24 explicitly the specific reason or reasons leading to the 25 termination. 25 recommendation for termination.

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notify the teacher of the recommendation for termination and of the teacher's right to a hearing on the recommendation. The notification must be delivered by certified letter or by personal notification for which a signed receipt is returned. The notification must include: (a) the statement of the reason or reasons that led to the recommendation for termination; and (b) a printed copy of this section for the teacher's

(3) The teacher may, in writing, waive the right to a hearing. Unless the teacher waives the right to a hearing, the trustees shall set a hearing date, giving consideration to the convenience of the teacher, not less than 10 days or more than 20 days from the <u>teacher's</u> receipt of the notice of recommendation for termination.

(4) The trustees shall:

(a) conduct the hearing on the recommendation at a regularly scheduled or special meeting of the board of trustees and in accordance with 2-3-203; and

(b) resolve at the conclusion of the hearing to terminate the teacher or to reject the recommendation for

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SB 22

THIRD READING

1 (5) The tenure teacher may appeal a decision to 2 terminate to the county superintendent who may appoint a 3 qualified attorney at-law as legal adviser who shall assist 4 the superintendent in preparing findings of fact and 5 conclusions of law.

6 (6) Subsequently, either the teacher or the trustees 7 may appeal to the superintendent of public instruction under 8 the provision for the appeal of controversies in this title. 9 (7)--If-the-trustees-terminate-a-teacher--for--financial 10 reasons--and-the-financial-condition-causing-the-termination 11 is-resolved-before-the-beginning-of-the--next--school--year, 12 the-terminated-teacher-must-be-rehired-" Section-2 -- Section-20-4-2067-MEAy-is-amended-to-read:--13

 14
 #20-4-2067--Notification-of-nontenure-teacher-reelection

 15
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 20
 school-fiscal-yeart

21 (2)--A-nontenure-teacher-who--receives--notification--of 22 his--reelection--for--the--ensuing--school-fiscal-year-shall 23 provide-the-trustees-with--his--written--acceptance--of--the 24 conditions-of-reelection-within-20-days-after-the-receipt-of 25 the--notice-of-reelection--Pailure-to-so-notify-the-trustees

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within-20--days--may--be--considered--nonacceptance--of--the ı 2 tendered-position; 3 +3)--When--the--trustees--notify--a-nontenure-teacher-of 4 termination;-the-teacher-may-within-10-days-after-receipt-of 5 the-notice-make--written--request--of--the--trustees--for--a 6 statement--in--writing--of--the--reasons--for-termination-of 7 employment:-Within-10-days-after-receipt-of-the-request7-the 8 trustees-shall-furnish-to-the-teacher-a--true--statement--of 9 reasons-for-termination-10 +++--If---a---nontenure--teacher--believes--the--reasons 11 provided-by-the-trustees--are--not--true---the--teacher--may 12 request--in--writing--within--i0--days--of--receipt--of--the 13 statement--of--reasons-that-the-county-superintendent-hold-a 14 hearing-in-accordance-with-20-3-210-to-determine-whether-the 15 reasons-are-true--A-hearing-must-be-scheduled-within-i0-days 16 and-held-within-45-days-after-receipt-of-the-request;-except 17 that-the-period-may-be-extended-upon-agreement--between--the 18 trustees--and--the--teacher---The--burden--of-proof-that-the 19 reasons-are-not-true-rests-with-the-teacher;-and-the-showing 20 must-be-demonstrated-by-clear-and-convincing-evidence-21 (5)--Ify-after--a--hearingy--the--county--superintendent 22 determines--that--the--reasons--are--not--true7--the--county 23 superintendent-shall-order-the-trustees-to-offer-the-teacher

- 24 a-contract-for-the-ensuing-school-fiscal-year.
- 25 <u>(6)--If--the--trustees-terminate-a-teacher-for-financial</u>

SB 22

SB 22

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1	reasons-and-the-financial-condition-causing-thetermination				
2	isresolvedbeforethe-beginning-of-the-next-school-year,				
3	the-terminated-teacher-must-be-rehired-				
4	(6)				
5	notappłytocasesinwhichanontenureteacheris				
6	terminatedwhenthefinancialconditionoftheschool				
7	districtrequiresareductioninthe-number-of-teachers				
8	employed-and-the-reason-for-the-termination-is-to-reduce-the				
9	number-of-teachers-employed."				
0	NEW SECTION. Section 2. Effective date. [This act] is				
1	effective on passage and approval.				

-End-

1	SENATE JOINT RESOLUTION NO. 22	1	design for the visitor center; and
2	INTRODUCED BY HOCKETT, DEBRUYCKER	2	WHEREAS, Fort Benton has been a national historic
3		3	landmark since 1965; and
4	A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF	4	WHEREAS, the purpose of the visitor center is to enhance
5	REPRESENTATIVES OF THE STATE OF MONTANA URGING CONTINUED	5	existing interpretive services for visitors to historic Fort
б	FEDERAL SUPPORT AND FUNDING OF THE VISITOR CENTER OF THE	б	Benton, the Upper Missouri National Wild and Scenic River,
7	UPPER MISSOURI.	7	the Lewis and Clark National Historical Trail complex, and
8		8	the Nez Perce National Historical Trail; and
9	WHEREAS, the Upper Missouri River is both a state and a	9	WHEREAS, tourism is a growing economic force in Montana,
10	national treasure that offers many historical and	10	and the state is actively promoting a healthy tourism
11	recreational opportunities; and	11	industry to meet visitors' needs and to improve its economic
12	WHEREAS, on October 12, 1976, Congress passed Public Law	12	situation; and
13	94-486, which added the Upper Missouri River to the Wild and	13	WHEREAS, the visitor center would complement the state's
14	Scenic River System and provided for a visitor center for	14	efforts to strengthen and expand tourism and recreation and
15	interpretation of the area; and	15	would contribute to economic diversification within the
16	WHEREAS, Congress subsequently passed Public Law	16	state; and
17	100-552, which assigned responsibility for the visitor	17	WHEREAS, the visitor center is expected to contribute
18	center to the Bureau of Land Management; and	18	\$300,000 to \$480,000 to the Montana economy and 15 to 25 new
19	WHEREAS, an interpretive prospectus and a cooperative	19	jobs by the year 2000.
20	agreement for the development of the visitor center was	20	
21	adopted in February 1992 by the Bureau of Land Management,	21	NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
22	the city of Fort Benton, and the Community Improvement	22	OF REPRESENTATIVES OF THE STATE OF MONTANA:
23	Association; and	23	That the Director of the Bureau of Land Management, the
24	WHEREAS, \$1.6 million has been contracted by the Bureau	24	Montana Congressional Delegation, and the U.S. Congress be
25	of Land Management for the architecture and interpretive	25	urged to continue to support the Visitor Center of the Upper
	A		
	A		-2- SJR 22

Sintana Legislative Council

SJR 22 REFERENCE BILL

SJR 0022/02

1 Missouri.

2 BE IT FURTHER RESOLVED, that the U.S. Congress be urged 3 to pass legislation to fund completion of the visitor center 4 project.

5 BE IT FURTHER RESOLVED, that the Secretary of State send 6 a copy of this resolution to each member of the Montana 7 Congressional Delegation, the U.S. Secretary of the 8 Interior, and the Director of the Bureau of Land Management. -End-